

INDEPENDENT REVIEW PANEL
STAFF RECOMMENDATION TO THE PANEL

March 27, 2003

Complaint: A2002.151

Complainant: DC Washington

Accused Party: Miami-Dade Police Department (MDPD), Officers Harris Dowd and Michael Scott

Date Complaint Received: April 16, 2002

Materials Reviewed: Grievance Report Form, correspondence, departmental response, staff notes

Complaint: Mr. Washington stated he is making a racial profiling complaint. He is 1/2 Asian (Korean) and 1/2 Black, and wears his hair in dreads.

Mr. Washington drove to the store on NW 183 St. and 7 Ave. about 8:30 PM on April 15, 2002. Two White male plainclothes Miami-Dade police officers (M. Scott and H. Dowd) were talking to a guy he knows as "King" (Anthony King). When Mr. Washington greeted "King" with a handshake, the officers asked him for ID. Mr. Washington produced his driver's license. One of the officers, possibly Dowd, asked if he could search Mr. Washington's car and Mr. Washington said no. The officer then said he would get the dogs. Mr. Washington knew there were no drugs in the car but he also knew there was marijuana residue because he smokes pot. The officer said he only wanted to search for weapons and he did not care about marijuana, so Mr. Washington gave the officer the keys.

The officer pulled a "bag" from the car, arrested Mr. Washington and charged him with possession of marijuana. "King" was arrested for Trespass after Warning. Both men were placed in the officers' vehicle. Mr. Washington sent someone to get his father to pick up his car. His father, who is "dark Black," arrived while the officers were still on the scene.

Inside the police car, Mr. Washington tried to get the officers to have mercy. He told them, "If I was White or Cuban, you would have given me a ticket." One of the officers responded, "You're not Black, you're Chinese." The officer in the passenger seat asked, "Don't Chinese have little dicks?" Mr. Washington replied that he was Black and the officers knew that because they had seen his father. The officers also made fun of his name.

Mr. Washington believes he was profiled for his looks: He has dreads and was dressed "like he had money." He greeted another man with dreads (Anthony King) and to the police, that fits the profile of someone buying drugs.

Allegations:

1. The officer lied when he said he only wanted to search Mr. Washington's car for weapons and he wouldn't do anything if he found drugs.
2. The passenger officer asked a racist and offensive question: "Don't Chinese people have little dicks?"
3. The officers made jokes about his name, like: "Did he steal his name from the capital."

Departmental Response – MDPD Investigative Report PC 2002-0140: MDPD investigated the allegations that:

1. Officers Harris Dowd and Michael Scott detained and arrested DC Washington based on his racial profile of a black male with hair in dreads.
2. Officer Harris Dowd told him that he would not be charged with any drugs found during the search of his vehicle.
3. Officer Harris Dowd made the comment, "Don't Chinese people have little dicks."
4. Officer Michael Scott made the comment, "Did he steal his name from the Capital."

Statement of Anthony King

Anthony King corroborated Mr. Washington's statement in the following:

- Officer Dowd told Mr. Washington that he only wanted to search his vehicle for weapons, and that Mr. Washington would not be charged if drugs were found.
- Officer Scott made these remarks: "Did Mr. Washington steal his name from the capital," and "Don't Chinese people have little dicks."

The following is quoted from the MDPD Disposition Memorandum:

Allegation #1 - Unfounded

Officers Dowd and Scott were conducting a lawful investigation. Mr. Washington interrupted the investigation by approaching Mr. King and shaking his hand. The contact Mr. Washington made with Mr. King interrupted the interview and created a safety concern, for the officers.

Mr. Washington felt the need to check on the welfare of his friend who was being interviewed by two police officers. It was Mr. Washington's choice to enter the situation, and both officers denied stopping Mr. Washington because of enforcement profiling.

The officers had legal justification to stop Mr. Washington and conduct an interview, after he came up from the rear of the Officers, and close to Officer Scott's gun, and interrupted their field interview and arrest of Mr. King.

Allegation #2 - Not Sustained

The complainant and Officers Dowd and Scott have conflicting statements. The officers categorically deny making any statement relating to not arresting Mr. Washington. Mr. King, in his statement, never commented on this, as he was not at the vehicle.

Since there are no independent witnesses, and due to the conflicting statements, this allegation is classified as Not Sustained.

Allegation #3 - Not Sustained

The complainant and Officers Dowd and Scott have conflicting statements. The officers categorically deny making the statement "Don't Chinese people have little dicks." Mr. King, who was also under arrest, cannot be considered an independent witness.

Due to no independent witnesses, and no circumstantial evidence to indicate inappropriate actions by Officers Dowd and Scott, this allegation is classified as Not Sustained.

Allegation #4 - Not Sustained

The complainant and Officers Dowd and Scott have conflicting statements. The officers categorically deny making the statement "Did he steal his name from the Capital." Mr. King, who was also under arrest, cannot be considered an independent witness.

Due to no independent witnesses, and no evidence to indicate inappropriate actions by Officers Dowd and Scott, this allegation is classified as Not Sustained.

Staff Remarks: IRP staff person Carol Boersma spoke to Mr. Washington on March 12, 2003. He confirmed that he received the MDPD investigation of his complaint, but did not pursue it because but it was his word against that of the officers, even though Mr. King heard the comments made by the officers.

Staff Findings Regarding the Allegations

Allegation #1 – **Unfounded**. No evidence was found to substantiate the allegation that Mr. Washington was detained because of his appearance or his race. Mr. Washington states that he initiated the contact by approaching and shaking hands with a man who was being questioned by the officers, and that gave cause for the officers to question Mr. Washington.

Allegation #2 - Not Sustained. The statements of Mr. Washington and witness Anthony King conflict with the statements of Officers Dowd and Scott. Officer Dowd denied making any statement relating to not arresting Mr. Washington and Officer Scott said he did not hear such a statement. Mr. King said he heard the statement. There is insufficient evidence to substantiate that Officer Dowd did, or did not, make the statement.

Allegation #3 - Not Sustained. The statements of Mr. Washington and witness Anthony King conflict with the statements of Officers Dowd and Scott. Officer Dowd denied asking the question: "Don't Chinese people have little dicks;" and Officer Scott said he did not hear such a question. Mr. King said he heard the statement. There is insufficient evidence to substantiate that Officer Dowd did, or did not, make the statement.

Allegation #4 - Not Sustained. The statements of Mr. Washington and witness Anthony King conflict with the statements of Officers Dowd and Scott. Officer Scott denied asking if he stole his name from the Capital and Officer Dowd said he did not hear such a question. Mr. King said he heard the question. There is insufficient evidence to substantiate that Officer Scott did, or did not, make the statement.

Other Staff Findings

1. Sergeant David Cokl's Internal Affairs investigation was thorough and the allegations were specifically addressed.
2. The statement in the disposition for Allegation #2, that "Mr. King, in his statement, never commented on this [allegation]" is inaccurate. The following is quoted from the summary of Mr. King's statement: "Mr. King stated he did hear Officer Dowd tell Mr. Washington that he only wanted to search his vehicle for guns or weapons, and that Mr. Washington would not be charged if drugs were found in his vehicle."

Observation to Promote Police/Citizen Interactions

1. Constructive police/citizen interactions require mutual respect and common sense. It is unwise for a citizen to approach and shake hands with an individual being questioned by the police.
2. Although the evidence is insufficient that an officer lied to a citizen in this case, citizens need to know that current police procedures do not prohibit law enforcement officers from making false promises.

Staff Recommendations to the Panel

1. Adopt the staff findings regarding the allegations, other staff findings and observations.
2. Conclude the complaint.

DISPOSITION OF THE INDEPENDENT REVIEW PANEL

Complainant: DC Washington

Date: March 31, 2003

IRP Case: A2002.151

From: Eduardo I. Diaz, Ph.D.
Executive Director

The Independent Review Panel met on March 27, 2003 for the purpose of publicly reviewing the complaint made by DC Washington against the Miami-Dade Police Department and the department's response to that complaint. The following represents the findings of the Panel:

A. Allegations

1. Officers Harris Dowd and Michael Scott detained and arrested DC Washington based on his racial profile of a black male with hair in dreads.
2. Officer Harris Dowd told him that he would not be charged with any drugs found during the search of his vehicle.
3. Officer Harris Dowd made the comment, "Don't Chinese people have little dicks."
4. Officer Michael Scott made the comment, "Did he steal his name from the Capital."

B. Disposition of the Independent Review Panel

Allegation #1 – **Unfounded.** No evidence was found to substantiate the allegation that Mr. Washington was detained because of his appearance or his race. Mr. Washington states that he initiated the contact by approaching and shaking hands with a man who was being questioned by the officers, and that gave cause for the officers to question Mr. Washington.

Allegation #2 - **Not Sustained.** The statements of Mr. Washington and witness Anthony King conflict with the statements of Officers Dowd and Scott. Officer Dowd denied making any statement relating to not arresting Mr. Washington and Officer Scott said he did not hear such a statement. Mr. King said he heard the statement. There is insufficient evidence to substantiate that Officer Dowd did, or did not, make the statement.

Allegation #3 - **Not Sustained.** The statements of Mr. Washington and witness Anthony King conflict with the statements of Officers Dowd and Scott. Officer Dowd denied asking the question: "Don't Chinese people have little dicks;" and Officer Scott said he did not hear such a question. Mr. King

said he heard the statement. There is insufficient evidence to substantiate that Officer Dowd did, or did not, make the statement.

Allegation #4 - Not Sustained. The statements of Mr. Washington and witness Anthony King conflict with the statements of Officers Dowd and Scott. Officer Scott denied asking if he stole his name from the Capital and Officer Dowd said he did not hear such a question. Mr. King said he heard the question. There is insufficient evidence to substantiate that Officer Scott did, or did not, make the statement.

C. Other Findings

1. Sergeant David Cokl's Internal Affairs investigation was thorough and the allegations were specifically addressed.
2. The statement in the disposition for Allegation #2, that "Mr. King, in his statement, never commented on this [allegation]" is inaccurate. The following is quoted from the summary of Mr. King's statement: "Mr. King stated he did hear Officer Dowd tell Mr. Washington that he only wanted to search his vehicle for guns or weapons, and that Mr. Washington would not be charged if drugs were found in his vehicle."

D. Recommendations

Ask MDPD to clarify the circumstances under which officers are allowed to give citizens misleading information to a citizen and/or make false promises.

E. Observation to Promote Healthy Police/Citizen Interactions

Constructive police/citizen interactions require mutual respect and common sense. It is unwise for a citizen to approach and shake hands with an individual being questioned by the police.

The Independent Review Panel concluded the complaint on March 27, 2003.